



**FREMONT PLANNING BOARD**  
**January 27, 2010**  
**Meeting Minutes**  
**Approved February 3, 2010**

Present: Chairman Roger Barham, Co-Chair and CC Rep. John (Jack) Karcz, Selectman Brett Hunter, Members John (Jack) Downing, Derek Downing, Alternate/Building Official Thom Roy, RPC Circuit Rider Brian Groth, and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham opened the meeting at 7:10 pm.

**MINUTES**

Mr. D. Downing made the motion to approve the minutes of the January 13, 2010 meeting as written. Motion seconded by Mr. J. Downing with unanimous favorable vote.

**PROJECTS PENDING WITH RPC**

- CTAP DOT Build-out- funded with CTAP Phase I Funds = \$10,000; completion date of October 28, 2009; moved to end of 2009.
- Housing Chapter of the Master Plan - funded with CTAP Phase I Discretionary Funds = \$5,000; original completion date of December 2008, moved to September 23, 2009; then November 18, 2009; then December 31, 2009
- Inclusionary Housing Zoning Ordinance – funded with CTAP Phase I Discretionary Funds = \$5,000; original completion date of May 19, 2009; moved to November 4, 2009. complete
- Open Space Plan - funded with CTAP Funds = \$10,000; original completion date of May 19, 2009; moved to a tentative completion date of September 16, 2009; final presentation January 27, 2010
- CTAP Road Map = Completion - end of December, 2009
- Water Resource portion of the NRI Chapter of the Master Plan – funded with the Targeted Block Grant (TBG) and the Towns share (\$2,000) has been paid; original completion date of June 30, 2009; final draft August 5, 2009 – moved to August 31, 2009; then to November 4, 2009, then to end of 2009.

CTAP project timeline table below.

| Projects               | 18-Nov   | 25-Nov | 2-Dec | 16-Dec | 23-Dec               | 31 – Dec | 27-Jan             |
|------------------------|----------|--------|-------|--------|----------------------|----------|--------------------|
| <b>CTAP</b>            |          |        |       |        |                      |          |                    |
| Build Out              |          |        |       |        |                      | Final    |                    |
| Housing MP             |          |        |       |        |                      | Final    |                    |
| Inclusionary Ordinance | Complete |        |       |        |                      |          |                    |
| Open Space Plan        |          |        |       |        | Plan to be submitted |          | Final Presentation |
| <b>CTAP Road Map</b>   |          |        |       |        |                      |          |                    |
| <b>Non-CTAP</b>        |          |        |       |        |                      |          |                    |

**WRMPP (TBG)**

Final

**WATER RESOURCE MANAGEMENT PLAN**

Mr. Barham reported that all comments for the WRMP have been sent to RPC and Glenn Greenwood is moving forward with the final draft.

**CTAP ROADMAP and CTAP PHASE II FUNDS**

Mr. Groth reported that, as instructed at last week's meeting, he looked into the estimated costs of the activities that resulted from the CTAP Road Map Process and found that they are as follows:

1. Update goals of Future Land Use section of MP to reflect new commercial area - \$2,000
2. Conduct audit of Master Plan - \$3,500
3. Dark skies ordinance - \$1,750

Total: \$7,250

Mr. Groth submitted applications filled out and ready for the signature of the Chairman of the Board of Selectmen. Mr. Groth said that although there is a total of \$10,000 available to the Town through CTAP, but this pricing and project list is more realistic given the May 15, 2010 deadline which, he said, we must recognize.

Mr. J. Downing made the motion that the Board support the applications submitted and send them forward for Selectman's signature. Motion seconded by Mr. J. Downing with unanimous favorable vote.

Mr. Groth related that the Low Impact Design Standards project that was previously discussed can be done as part of the Circuit Rider contract and at no extra cost to the Town.

**CTAP BUILD-OUT ANALYSIS**

The Board received an e-mail message from Rob Pruyne of RPC who related that he has scheduled the Fremont Build-out work to be done on Friday of next week. He is scheduled to meet with the Board on February 17, 2010 to determine the third scenario and finish up the Build-out analysis.

**LECLAIR, FRED**

Map 2 Lot 077-1, Red Brook Road

Mr. Barham reported that the Board has received the Leclair property test pit data report from Surveyor Kevin Hatch. The Board reviewed that data which showed pit #1 to be in compliance with the regulations (8' above the seasonal high water table) and the remaining five to be out of compliance.

Mr. Karcz stated that he would recommend that the Selectmen consider that Mr. Leclair be reimbursed for any tax he paid for material excavated. Mr. Barham said that he agrees with reimbursement of tax paid, but any stockpiles must be required to remain onsite for restoration/reclamation.

**COPP DRIVE EXTENSION / GRISTMILL, LLC**

Map 2 Lot 156.2

Mr. Barham reported that Surveyor Kevin Hatch has submitted the new corrected Copp Drive Extension mylar to be signed by the Board recorded at the registry of deeds; as well as 3 plan sets. Mrs. Bolduc reported that Mr. Hatch related to her that Mr. Weymouth is not willing to pay for having the corrected mylar recorded. He said that he paid for recording the original plan that the

Town approved, inclusive of the wrong lot number, and he feels that he should not be responsible for paying to have a corrected plan recorded.

After some discussion by the Board, Mr. Karcz made the motion that; 1) the Board sign the new corrective Copp Drive Extension mylar and plan sets; and 2) to authorize the payment of \$62.90 from the recording fees line of the current budget to record the Copp Drive Extension corrective mylar.

Motion seconded by Mr. D. Downing with unanimous favorable vote.

#### COOPERS CORNER

Map 3 Lot 037-03

A letter has been sent from the Land Use Office to the new owner of Map 3 Lot 037-1 relative to scheduling an appointment with the Board to discuss reclamation plans for the excavation area on the property.

#### OPEN SPACE PLAN

Present: RPC Planner Julie LaBranche, Conservation Commission/Open Space Task Force Member Janice O'Brien, Open Space Task Force Member Kenn Jones; Joshua Manning, Bob Levine and Harold Morse.

Ms. LaBranche distributed copies of the Open Space Plan draft that was the result of the Open Space Committee's meetings with the task force. She presented the Open Space Map which, she said, needs some additional entries.

Ms. LaBranche said that the Open Space Task Force began with a list of resources. The purpose of the Task Force was to identify critical resources, and agricultural, open and undeveloped land in Fremont, and to select and prioritize those lands that should be excluded from residential, commercial and industrial growth. In doing so, the Town will sustain the ecosystem services provided by its resource base and maintain the rural character envisioned in the Fremont's Natural Resources Inventory and Master Plan. Open space is defined as any lands that remain in a natural and undeveloped condition that contribute ecological, scenic or recreational value.

The first step in the open space planning process was the identification of high value natural resources that define open space lands within the Town. The second step in the open space planning process was to assign relative weights to the various natural resources to establish their importance for protection. RPC staff then computed resource values across the entire Town based on the weighting scheme. The Task Force selected the following five resources as priorities for protection: agricultural soils of local importance, unfragmented lands of > 500 acres; NH Wildlife Action Plan highest ranking habitats; wetlands, streams and their buffers; and forested areas. Step 3 in the open space planning process was to define a "green infrastructure", meaning the presence of a contiguous resource network across Town. Ms. LaBranche submitted a "Green Infrastructure Map. As identified on the Green Infrastructure Map, approximately 7,712 acres or 69 percent of the Town is located within the Green Infrastructure. The Green Infrastructure was superimposed over the Town's tax maps to determine which parcels or portions of parcels were included in the green infrastructure. Roughly 751 parcels fell within the green infrastructure.

Within the green infrastructure, 90 priority protection parcels were identified, with 3 parcels greater than 100 acres, 17 parcels greater than 50 acres, and 73 parcels less than 50 acres.

Acreage and development potential (new units at build-out) for lands prioritized for conservation was summarized as: 52 high priority parcels = 1,814 acres; 5 medium priority parcels = 134 acres; and 33 lot priority parcels = 757 acres.

In answer to questions by the Board Ms. LaBranche said that some properties ranked low priority because they are self protecting with greater than 50% wetlands. It could make a difference if a property is zoned commercial, but there are no mandatory conservation requirements and there is an option to bargain with the landowner for open space. The majority of the parcels were very large undeveloped parcels of land. She said that the purpose of the report is to summarize activities of the open space; and the Plan is also a tool to bargain for open space subdivisions. It is for planning purposes utilizing land protection priorities. As a result of the planning process completed by the Fremont Open Space Task Force, this report will serve as a guide for future open space planning and land protection in the Town. The products developed during the planning process identify where protection is deemed most appropriate, and identify where and how to implement various modes of protection.

Ms. LaBranche said that she needs to complete the last table of the report before presenting the final draft.

Mr. Barham asked if the Open Space Map could merge with the Build-out analysis. Mr. Groth said that they could incorporate the Build-out analysis in the open space plan and that could be the third build-out scenario. The Board agreed with this idea.

Ms. LaBranche said she will finish the last table and make some final edits and meet with the Board again; tentatively on January 17, 2010.

## BLACK ROCKS VILLAGE

Map 3 Lot 015-1

Present: Joshua Manning, Bob Levine and Harold Morse all of Lewis Builders, Fire Chief Richard Butler

Mr. Manning submitted a written request for a three year extension to the existing site plan for the Black Rocks Village project that was approved on February 15, 2006 and signed by the Board on March 22, 2006. A condition of the February 15, 2006 approval was that all improvements were to be completed within three years of the approval date unless the timeframe was extended by mutual agreement between the applicant and the Board. On March 4, 2009 the Board voted to extend the approved site plan to February 15, 2010.

Mr. Manning stated that to date they have constructed a substantial amount of roads and utilities in the project, built the community center and the water pump house, and have begun building six residential units (two buildings).

There was a conversation relative to Mr. Manning's extension request and the Board Members collectively agreed the request was reasonable.

After further discussion by the Board, Mr. Hunter made the motion to extend the existing approved site plan for the Black Rocks Village project for three years from February 15, 2010 to February 15, 2013. This Site Plan was originally approved on February 15, 2006 for completion on February 15, 2009, and extended to February 15, 2010.

Motion seconded by Mr. Karcz with unanimous favorable vote.

Mr. Manning said that he is requesting that the Board consider not requiring commercial grade sprinkler for the community center at the Black Rocks Village. Note #36 on sheet "N" of the recorded plan says "Each unit will be sprinkled to meet fire protection requirements". Mr. Manning said that the Site Plan Regulations say that dwellings in a cluster development shall be sprinkled, but the community building is not a dwelling nor is it a unit. Mr. Butler noted that the developer traded a cistern for sprinklers for fire protection. He added that the community center is considered a place of assembly and would hold approximately 130 people. Mr. Morse said that approval does not specifically talk about a community center. He said that the community building as an accessory use should not need to be sprinkled. Mr. Butler said it is a building accessible to the public, no other fire protection, the agreement with the former fire chief was that the building would be sprinkled. (*Minutes of April 14, 2004 = Mr. Lopez noted that he has spoken to Fire Chief Heselton who had concerns regarding the cistern. The decision was made to use sprinklers in the building instead of a cistern. The residents will pay for the community water which will offset the cost for the maintenance of the system.*)

Mr. Barham said, that looking at the original agreement and the buildings purpose, sprinkler in lieu of cisterns, should remain in effect. Mr. Karcz said that at the time of the Black Rocks Village approval the Board was moving in the direction of sprinkling buildings instead of requiring cisterns for fire protection. Mr. Roy said that commercial buildings are sprinkled in many buildings in Town because it was part of the agreement process for those buildings.

As an alternative proposal, Mr. Morse asked to be allowed to put in a lesser sprinkler system (a residential system) based on the fact that it is an accessory use building. Mr. Barham asked how effective a residential system would be, noting that sprinklers were designed to; 1) helping save lives and 2) to put out a fire. Mr. Morse said that it is his experience that a residential system would be sufficient. The original plan approved did not provide for the additional water flow for commercial system. Mr. Roy said that the building is treated as residential because the energy code says that it can be treated so. the Board discussed residential vs commercial sprinkler system relative to the community center at the Black Rocks Village. Mr. Barham asked if the Fire Chief if he would be comfortable with the building sprinkled at the residential level; this in lieu of a cistern. Mr. Butler said that he would suggest that they at least have fire dept connections of the sprinkler system and backup power for water.

Mr. Manning submitted a correspondence from architect Cary L. Simmons citing extractions from currently adopted local codes that indicate a requirement by the local jurisdiction to install any fire suppression in the community building does not have identifiable code support.

Mr. Hunter made the motion that the sprinkler system to the Community Center at Black Rocks Village be a residential grade system with the piping to withstand 200 psi pressure and with a Fire Department connection installed.

Motion seconded by Mr. Karcz with unanimous favorable vote

LAWRENCE LOURETTE

197 Sandown Road

Map 1 Lot 005

Mr. Barham stated that the Board has received the requested checklist from Lawrence Laurette, dated January 1, 2010, in which he stated that his property, located at 197 Sandown Road Map 1 Lot 005, has had a commercial firewood operation and business since the mid '70's, and as such pre-dates the Fremont Site Plan Review Regulations as adopted in 1989. He requested a waiver of Site Plan Review as having a pre-existing condition.

There was a conversation relative to whether firewood has been sold from the site. It was noted that the property has been used commercially for years by Mr. Lourette for the operation of his welding business, and there may be logging/timber harvest (with Intent to Cut form filed), but it has not been known that the owner has commercially sold firewood at the location. Board Members agreed that a letter be sent to Mr. Lourette requesting him to provide some documentation to support his claim in order for the Board to determine whether Site Plan Review is needed for the site.

ZONING

ARTICLE IX

Mrs. Bolduc stated that the ZBA is dealing with a case for Article IX Section H that includes "dredging, filling and altering the configuration of the land" within the 100' watershed protection area of a designated Prime Wetland. The ZBA is finding that the State has specific restrictive regulations for prime wetland protection through their Standard Dredge and Fill criteria, but the Town has none. She reported that Leonard Lord, of the Rockingham County Conservation District noted in a report to the ZBA that Fremont has designation prime wetlands, but does not appear to have followed up with more restrictive regulations for the prime wetlands. Mr. Lord has advised that some Towns give a number of criteria and performance standards for wetland and buffer impact approvals such as, for example; "There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use". He noted that towns typically have more restrictive regulations in this regard and that the RCCD would be willing to work with the Town, at no charge, to strengthen and clarify the wetland regulations. This could be a zoning amendment that would be put to the voters in 2011. The Board agreed to pursue this amendment process with RCCD.

INCOMING CORRESPONDENCES

There were no incoming correspondences.

Next meeting: January 27, 2010.

ACTION ITEMS

Mr. Karcz made the motion to adjourn at 9:00 pm.

Motion seconded by Mr. J. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary